1: Hambly 8-4, 8 (1934) 1937 SV3 Hall SV3
Mbabala

be successful, he can count on the members of his family for financial and moral support. 596 534

These are not all the rights of the older members of the family, especially of the family head, over their juniors. All elders may punish by beating, though the oldest member of the family exercises that right most freely and may chastise those who are themselves grown men and women. If there is gossip about a boy or a girl, the family head calls the culprit to reprimand him or, if he believes the case a serious one, to beat him. Among the peasants, particularly, grown men go down on their knees before their elders, when so ordered, for a beating. Such punishments may be particularly severe if the culprit does not soon ask pardon, for since all who are older have the right to beat a younger relative, it sometimes happens that the punishment administered by the head of the family is not considered adequate, and another takes up the stick when the family head has put it down, so that two or three wands may be broken over the back of a stubborn offender. If such a one were to fight back, he would become "accursed," ceasing any longer to be considered a member of the family, and even though no legal steps might be taken to disinherit him, he would lose all caste. This right to beat is accorded by custom rather than by law, but an adult beaten by one of the elders of his own family would think long before he would sue. "There is always a consultation, and a man is discouraged from going to court." 596 627 [626] [691]

Lest the impression may have been given, in considering the role of the elders and their relationship to the younger members of the family, that it is those in the father's line alone who are concerned, it must be emphasized that relatives of both parents exercise substantial control over a person. More than this, since marriage constitutes an agreement between families as well as between an individual man and woman, it follows that both paternal and maternal grand- 596 [581] [603]

L: Herskovits E-6.5 (1934) 1937 SV3 Haiti SV3
Mirebalais

The division of the land is said almost invariably to entail lawsuits, and some litigations have been known to stretch over a period of a decade and more, for, as one resident of Mirebalais remarked, "Because of a few feet of land a peasant will, if necessary, spend a thousand gourdes at court." If a woman is the heir, her husband may intervene in a dispute to protect her interests, but if the matter goes to court, only the husband of a "married" wife has a right to appear as an interested party; the mate of a *placée* may only act as a witness. When minor grandchildren inherit, their mother, whether married or *placée*, is their legal guardian and may enter suit to protect their interests.

The rights of a woman to the property of her father may be nullified if a dowry has been given her husband at the time of her "legal" marriage, though dowries are rarely given among peasants. If she is a *placée*, or if a dowry had not passed at the time of her "marriage," the land she inherits from her parents is held by her for her children, who will in time inherit it from her, so that many parcels of land deemed by natives to belong to a single family group are found to be divided among people who bear different surnames. It is not without interest to note in passing that in contrast to the acrid disputes which characterize the settlement of a father's goods, the distribution of a mother's property is seldom disturbed by dissension.

In addition to land and money, which form the most important part of any estate, are the flocks, herds, and beasts of burden of the dead man, and his personal tools and implements. These are sometimes willed to brothers and sisters or favorite nephews. Land and money, however, may not be alienated, but must go to the man's own children or to such others as may have been legally adopted. A child can be deprived of participation in the estate only if formally disinherited by means of a sworn document attested before a notary. As has been stated, daughters who have been given

2: Courtesies 3-0 (1837-1960) 1960 892 HAR 892

852 828 handle it; lighter work first, heavier work later. Small boys tend cattle and help the men in the fields.

178 517 The Haitian *habitant* (the peasant) is poorer and hungrier today than he was fifty years ago, or even twenty years ago. In 1935 I visited a number of peasant families I had known since 1932, and with hardly an exception I found them worse off than they had been before. Their [134] tiny landholdings had shrunk. Some land that had been lush had dried up and eroded. Little groves of trees had disappeared. Clothes had become shabby, and many of the men could no longer afford to wear the inexpensive traditional blue denim costume that was once so common. In the cities there is evidence that some of the elite have improved their life. But in a large part of the countryside the peasants are finding that the old system that served them for a hundred and fifty years can no longer feed them adequately.

423 178 One of the adverse forces is the shrinking of landholdings. Once a peasant family may have owned and worked fifty or seventy acres of ground. But it is traditional that on a man's death his land is divided [428] among the heirs. If a man with fifty acres of land has two sons, each son inherits approximately twenty-five acres. On their deaths, the land 423 429 is again subdivided. But even this is not the whole story. A UNESCO survey of the Marbial Valley region in south Haiti in 1948–1949 reported:

> At the turn of the century there were numerous peasant families who lived in relatively easy circumstances, and who possessed as much as thirty to forty *carreaux* * of land planted with coffee and subsistence crops. The heirs of these lands, when they [425] found themselves in straitened circumstances, would sell some parcels of it in the hope of being able to increase their holdings again later on. In the worst cases they became the tenants of absentee landlords who lived in the cities. Nowadays, not only is the size of holdings very small, sometimes only one-eighth of a *carreau*, but they are also scattered, and most peasants are obliged to go from one plot to another to cultivate their various owned, rented, or share-cropped fields.[§]

691 595 423 348 Haitian law—the civil code—does not recognize the rights of illegitimate children born after a legal marriage. But Haitian custom does. As a result, a Haitian who has a *plaçée wife* in addition to his "legal" wife may circumvent the law by deeding to her a portion of his gardens during his lifetime, thereby diminishing his holdings.

423 691 Furthermore, many landholdings are not clearly defined. There are few accurate surveys, and often the boundaries are vague. Titles to many of the holdings cannot be clearly established, and as a result there are constant lawsuits. To pay the expenses of defending his interests in court, a Haitian may have to sell a strip of his land.

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* A *carreau* is about three and a third acres.

§ [UNESCO, The Haiti Pilot Project, P. 18. Cf P352, category 116. -- Analyst]

For many Haitians, the struggle to obtain a piece of ground and to hold onto it is the very heart of the struggle for existence. On Morne l'Hôpital in 1951 I knew a man who owned ten acres of gardens. He had it planted in bananas and plantains, yams, and cotton. He had two cows and a calf and a grove of mango trees and coconut palms. His house was clean, tidy, and by Haitian standards well furnished. Eighteen years later he had less than an acre of land, no trees, no cotton, and no cattle. His family had become impoverished. He had three grown children and virtually no land to leave to them except that on which the house stood. His troubles began with a lawsuit over his land title. He sold his cattle to raise money to pay his court expenses. He lost half of his land as a result of the lawsuit, most of it the part with the good trees. Later, he sold more land to raise "eating money," and then rented it from the new owner. He could not grow enough cash crops to pay the rent and was finally evicted. Today he has not enough ground left on which to grow food for himself and his wife the year round.

The diminution of adequate landholdings has resulted in the disappearances of many of the *lacours* (hamlets) that were a familiar sight a few decades ago. Young people traditionally built their houses near the family homestead until there were five, six, or a dozen houses in a group. There was a natural family community which shared a common social life and the work of the fields. But as the population increased and the landholdings shrank, young people and old began to move away in search of new land, or work in the cities. Often where the lacour remains it is only as a settlement of landless house renters who work where they may for wages.

Economic refugees from rural areas seek wage work in the cities, returning to their original homes only on special festive days for family reunions. The men find employment as gardeners, servants, construction laborers, and stevedores. Some find work on the sugar and sisal plantations, others in craft industries making straw hats, baskets, shoes, chairs, and mahogany ware for export. The struggle in the big city of Port-au-Prince is for many of them worse than the poverty they left behind. There are the inevitable slums and the constant threat of hunger. It is in the big city that one hears most often the words *main grand gout* (I am hungry), and least often the words *Bondieu bon* (God is good).

The land hunger increases, and the overflow of the mountain settlements continues to move cityward. In former years there was a trend toward emigration across the eastern border into the Dominican Republic, which has a population density roughly one third or one fourth that of Haiti. This trend was checked, temporarily at least, in 1937 by

3: Leyburn Z-4, 5 (no date) 1966
SV3 Haiti SV3

Cassation at Port-au-Prince. In the event that this court confirmed the judgment of the lower courts, the defendant might still appeal from it to the president, and might apply for a new trial in the lower courts. Thus the contest would proceed ad infinitum, however clear the proof that the debt was just.

The Court of Cassation exceeded all others in the slowness of its judgments. Its judges were under the surveillance of the president, and must confer with him before deciding a case. If he disagreed, and the state was a party to the case, the judges must reconsider "to see if they have not taken a wrong view of the question at issue." Even so, the grand judge might stay execution as long as he deemed advisable after a judgment was confirmed.

Judges were rarely chosen from among trained lawyers, but were appointed by the government because of political considerations. Consequently, few people had any faith in court decisions, and in general they avoided taking their problems to law. The peasants in particular were bewildered by the whole procedure. White foreigners also often complained that unless they were willing to pay heavily they had no slightest chance of getting justice in the Haitian courts.

It must be emphasized that the majority of cases coming before the courts were civil rather than criminal, for it has been a universal matter of comment that the Haitian people were rarely guilty of serious crimes. Minor thefts of poultry or animals have been the commonest breaches of the peace, while murder, arson, and rape have almost never occurred. Even the bitterest critics of the republic have noted the absence of crime.[9] It is noteworthy that, despite their poverty and the hardness of their life, the Haitians are, contrary to the prevailing white man's notion of Negro unreliability, passion, and lawlessness, a tranquil folk. The absence of crime speaks volumes for the wholesomeness of a people much maligned by the stories of their "Voodoo" practices and bloody revolutions. An élite ex-president spoke to me with pride of the honesty of the country people who welcomed travelers with true hospitality and with no expectation of payment. "You might sleep safely in a country cabin with a thousand dollars on your person," he said.[10]

9. Mackenzie, British consul during a part of Boyer's régime, and young Haiti's severest critic, said that during his whole stay he knew of only one murder, and that in this case the assassin was executed.

10. In times of revolution, brigandage was expected but was not accounted a crime, any more than killing in warfare is called murder.